

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------------------------|---|---------------|
| MELVIN E. HARRIS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| |) | 2: 11-cv-0046 |
| v. |) | |
| |) | |
| NATE HARPER, Chief of Pittsburgh Police, |) | |
| LUKE RAVENSTAHL, Mayor of Pgh, PA, |) | |
| PAUL PAKOWSKI, Commissioner of PGH, PA |) | |
| Police; |) | |
| WILLIAM CHURILLA Det. ZONE #2 Police |) | |
| Station; |) | |
| LINCOLN Det. Zone #2 Police Station; |) | |
| CARYN HAMM Board of Probation and Parole, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION AND ORDER OF COURT

Plaintiff, Melvin E. Harris, *pro se*, filed this lawsuit on January 13, 2011. Plaintiff failed to serve the summons and complaint upon any of the defendants within 120 days after the filing of the Complaint. On August 2, 2011, the Court ordered that Plaintiff show good cause why the Complaint should not be dismissed. Plaintiff has now responded to the Order to Show Cause.

In his response, Plaintiff explains that he is “unlettered in science of the law” and “was under the impression that the courts would serve the defendants due to the petitioner’s safety and lack of resources.” Federal Rule of Civil Procedure 4(c) clearly instructs that “plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.”

NOW THEREFORE, this 22nd day of August, 2011, in light of Plaintiff’s failure to properly effectuate service upon Defendants in accordance with the requirements of Federal Rule

of Civil Procedure 4, it is hereby **ORDERED** that Plaintiff shall do so on or before **September 28, 2011**. If Plaintiff fails to do so, this case shall be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

To assist in effectuating proper service, copies of the following are provided to Plaintiff: (1) a copy of Federal Rule of Civil Procedure 4; (2) a file stamped copy of the Complaint; (3) a Notice of A Lawsuit and Request to Waive Service of A Summons (Form AO 398) ; and (4) a Summons In a Civil Action (Form AO 440). Additional copies of these forms are available through the Office of the Clerk of Court.

It is the responsibility of Plaintiff to serve each defendant, not that of the Clerk of Court or the Court. It is also the responsibility of Plaintiff to follow all provisions of Rule 4, including Rule 4(m) governing the requirement of proof of service of process.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

cc: Melvin Harris
1025 Faust Street
Pittsburgh, PA 15204

(via U.S. Mail and Certified Mail,
Return Receipt Requested)